

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 2926	DATE	1/10/2001
CASE TITLE	Claudine Mellerke, et al vs. North American Mortgage Co.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Order. Counsel are ordered to file a responsive memorandum in this Court's chambers on or before January 25, 2001. A status hearing is set for January 30, 2001 at 9:00 a.m.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.		number of notices	Document Number
<input type="checkbox"/>	No notices required.			
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.			
<input type="checkbox"/>	Notified counsel by telephone.			
<input type="checkbox"/>	Docketing to mail notices.			
<input type="checkbox"/>	Mail AO 450 form.			
<input type="checkbox"/>	Copy to judge/magistrate judge.		date mailed notice	
SN	courtroom deputy's initials	Date/time received in central Clerk's Office	SN	
			mailing deputy initials	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CLAUDINE MELLERKE, et al.,)
)
Plaintiffs,)
)
v.)
)
NORTH AMERICAN MORTGAGE CO.,)
et al.,)
)
Defendants.)

No. 00 C 2926

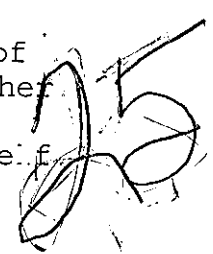
DOCKETED
JAN 12 2001

MEMORANDUM ORDER

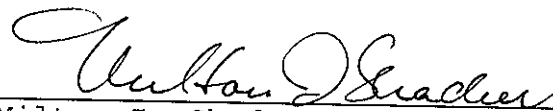
This Court's extraordinarily able minute clerk Sandy Newland has just called its attention to an aspect of this case that appears to have fallen between the cracks. In that respect a few words of explanation may be in order.

Each week this Court orders a computer-generated printout of "Pending Motions" in cases assigned to its calendar, a printout that this Court uses as a backstop to its effort to maintain a careful in-chambers record of such motions. In this instance, no pending motion in this case has appeared or now appears listed in that printout. Nonetheless Ms. Newland has brought to this Court's attention a motion that had been tendered back in October 2000 by defendants North American Mortgage Co. and Dime Savings Bank of New York, seeking the dismissal of Count II of plaintiffs' Second Amended Complaint.¹

¹ Although this Court's chambers file contains a copy of that motion, the motion is not listed in the case docket either. That explains its absence from the computer printout, but it gives no clue as to what happened to the original motion itself.



Because this action is set for a next status hearing on January 30, 2001, ample time still remains for plaintiffs' counsel to respond to the motion to dismiss in advance of that hearing. Accordingly counsel are ordered to file a responsive memorandum in this Court's chambers on or before January 25, 2001 (with a copy of course being delivered to defense counsel). No reply memorandum is being ordered at this time--the possible need for such a reply will be discussed at the next status hearing if the motion is not then capable of resolution.



Milton I. Shadur
Senior United States District Judge

Date: January 10, 2001